

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:18 CV 267

LONNIE B. BARBEE,)	
)	
Plaintiff,)	
)	
v.)	ORDER
)	
ISOTHERMAL COMMUNITY)	
COLLEGE, RUSSELL WICKER,)	
DAVID LIBERA, THAD HARRILL,)	
STEVE MATHENY, WALTER)	
DALTON, and SALONIA THORN,)	
)	
Defendants.)	
)	

This matter is before the Court on Defendants' Motion to Compel Initial Disclosures (Doc. 19), which alleges that Plaintiff has failed to serve the initial disclosures required by Rule 26 (a) (1) of the Rules of Civil Procedure.

I. Relevant Procedural Background

A Pretrial Order and Case Management Plan filed on July 3, 2019 directed the parties to exchange Initial Disclosures no later than July 17, 2019.

On July 26, 2019, Defendants filed a Motion for Extension of Mediator Designation Deadline (Doc. 16) which advised, in part, that Defendants were experiencing difficulty reaching Plaintiff by telephone and email and that,

though Defendants had served their Initial Disclosures on Plaintiff on July 5, 2019, Defendants had not received Plaintiff's Initial Disclosures.

On August 12, 2019, the undersigned conducted a status conference and extended the deadline for Plaintiff to provide his Initial Disclosures to August 24, 2019.

Defendants filed the instant Motion to Compel on November 19, 2019.

On December 13, 2019, the undersigned held an additional status conference. Plaintiff, who is proceeding *pro se*, was advised of his responsibility for following the applicable procedural rules and of Defendants' pending Motion to Compel. The Court then extended the deadline for Plaintiff to respond to Defendants' pending Motion to Compel to and including December 20, 2019.

Plaintiff, however, has not filed any response to the Motion.

II. Order

Plaintiff brought to the December 13 status hearing documents that he appeared to indicate constituted his initial disclosures. As Plaintiff has filed no response to the Motion to Compel, and as Defendants have not amended or

withdrawn the Motion, the Court can only conclude that the Motion remains active and that the information Plaintiff provided to Defendants did not, in Defendants' view, satisfy Plaintiff's obligation to produce Initial Disclosures.

Accordingly, Defendants' Motion to Compel Initial Disclosures (Doc. 19) is **GRANTED** and Plaintiff is **DIRECTED** to produce the information required by Rule 26 (a) (1) of the Rules of Civil Procedure to Defendants' counsel no later than **January 17, 2020**. Defendants' request for an award of expenses or other sanctions pursuant to Rule 37 will be denied without prejudice at this time. Should Plaintiff fail to produce his Initial Disclosures as directed herein, Defendants may renew their request.

It is so **ORDERED**.

Signed: January 3, 2020



W. Carleton Metcalf
United States Magistrate Judge

